

COMMISSIONERS APPROVAL

CHILCOTT *ag*

THOMPSON *at*

LYONS

PLETTENBERG (Clerk & Recorder)

Date.....May 31, 2007

Members Present..... Commissioner Chilcott and  
Commissioner Alan Thompson and Commissioner Howard Lyons

Minutes: Beth Farwell

The Board met with Dr. Ernie Jean, County Superintendent of Schools in regard to an issue in Stevensville that he believes will be contested. Ernie stated he is the hearing officer of contested cases in the school districts. Commissioner Thompson asked if the county needs to provide him with legal services. Ernie replied his job is not to act as counsel for the case but to make sure the paperwork is correct. If the case is contested as he thinks it will be, he will need to seek legal counsel. Commissioner Thompson made a motion to approve up to \$2,000 for legal counsel services from the general funds for Dr. Ernie Jean if needed. Commissioner Lyons seconded the motion and all voted "aye".

The Board interviewed Sarah Roubik for the Streamside Setback Committee.

The Board met for the Chidwick Road Variance request. Property Owner Andrew Chidwick, and Planners Renee Van Hoven and Vanessa Perry were present.

Commissioner Chilcott called the meeting to order and requested a staff report from Vanessa. Vanessa presented the staff report for the variance request as follows:

**CHIDWICK VARIANCE REQUEST  
FOR A FUTURE VERNON RANCHETTES, LOT 4A, AP SUBDIVISION  
APPLICATION**

**STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS**

**CASE PLANNER:** Vanessa Perry

**REVIEWED/  
APPROVED BY:** Renee Van Hoven

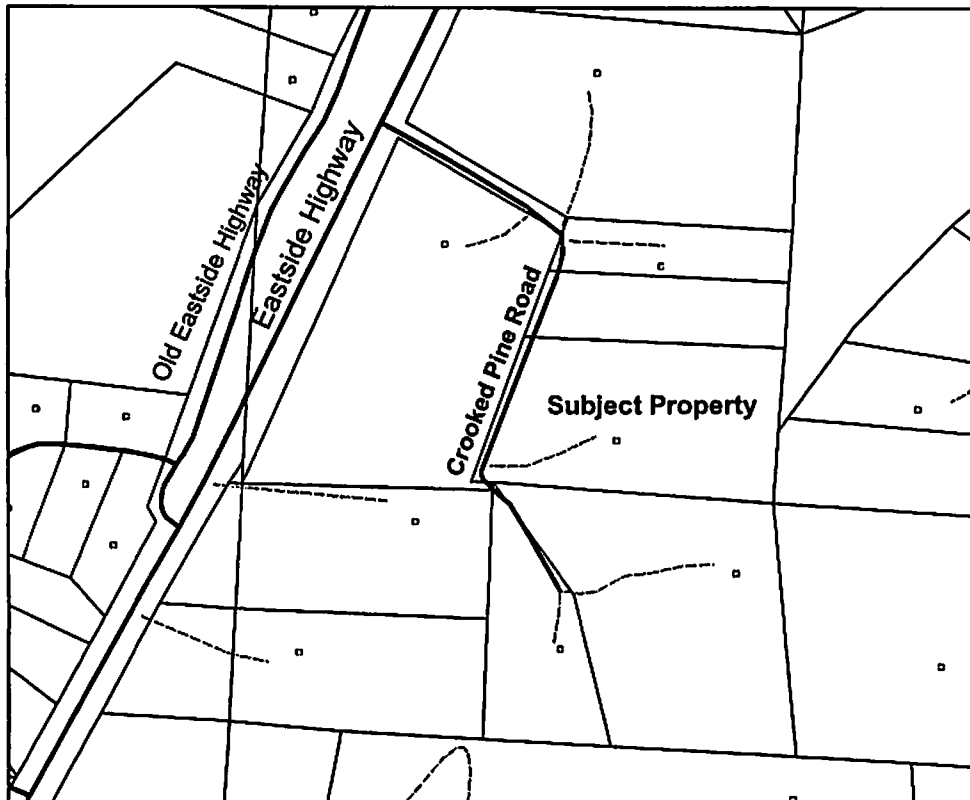
**PUBLIC HEARINGS/  
MEETINGS:**

May 31, 2007

**SUBDIVIDER/OWNER:**

Andrew Chidwick  
146 Crooked Pine Rd.  
Stevensville, MT 59870

**LOCATION OF REQUEST:** The property is located southeast of Florence  
off Crooked Pine Road. (See Map 1)



**Map 1: Location Map**  
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

**Vernon Ranchetts, Lot 4A, Located in Section 30,  
Township 10 North, Range 19 West, Ravalli  
County Montana**

**APPLICATION  
INFORMATION:**

The variance application was determined sufficient on March 2, 2007. Agencies were notified of the variance request and comments received by the Planning Department are contained in the file. No pertinent comments were received.

**LEGAL NOTIFICATION:**

A legal ad was published in the Ravalli Republic on April 17, 2007. Notice of the request was posted on the property. Adjacent property owners were notified of the variance request by certified mail postmarked April 10, 2007. No public comments have been received to date.

A second legal ad was published in the Ravalli Republic on May 15, 2007 to reflect the rescheduled time and date.

**DEVELOPMENT  
PATTERN:**

Subject property:	Residential
North:	Residential
South:	Residential
East:	Residential
West:	Residential

**INTRODUCTION**

The property is accessed via Highway 93 and Crooked Pine Road (privately-maintained). The applicant is requesting a variance from Section 5-4-5(e) of the Ravalli County Subdivision Regulations which states "Where a subdivision is accessed by a substandard private road(s) or non county road(s), the developer shall make all improvements that are necessary to bring that road(s) up to county road standards as defined in the County's adopted standards for new construction over its relevant length as listed in table A-1". The applicant and most neighbors using Crooked Pine Road would like to leave it in "as is" condition. The variance request was submitted ahead of the subdivision application. The applicant will propose a two-lot subsequent minor subdivision of 6.05 acres if the variance request is approved.

*Staff recommends conditional approval of the variance request.*

**RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS**

**MAY 31, 2007**

**CHIDWICK VARIANCE REQUEST  
FOR A FUTURE VERNON RANCHETTES, LOT 4, AP SUBDIVISION  
APPLICATION**

**RECOMMENDED MOTION**

That the variance request from Section 5-4-5(e) of the Ravalli County Subdivision Regulations, which requires that the applicant improve Crooked Pine Road to meet County standards because it is a substandard private road, be ***conditionally approved***, based on the findings of fact and conclusions of law in the staff report, and subject to the conditions in the staff report.

**RECOMMENDED MITIGATING CONDITIONS OF APPROVAL**

1. The applicant shall submit road plans and grading and drainage plans for Crooked Pine Road to the Ravalli County Road and Bridge Department that include grading and shaping to provide for appropriate drainage, and a 4.00-inch surface layer of crushed aggregate. The applicant shall pay any costs for the review of the plans and shall receive final approval from the Road Department prior to the final plat approval of the subdivision.
2. The applicant shall pave the approach to Highway 93 in accordance with the guidelines of the Montana Department of Transportation (MDT) and provide evidence that MDT has approved of the paved approach prior to final plat approval.
3. The applicant shall apply dust abatement to the surface of Crooked Pine Road prior to the final plat approval of the subdivision.

**VARIANCE REPORT**

**VARIANCE REQUEST**

The subdivider has requested a variance from Section 5-4-5(e) of the Ravalli County Subdivision Regulations, to relieve the subdivider from the requirement to reconstruct private roads or non-county roads, such as Crooked Pine Road, to meet County standards.

**Compliance with Review Criteria**

- A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.**

**Findings of Fact:**

1. According to the application, Crooked Pine Road is a privately-maintained gravel road within a 40 foot wide easement that currently serves six lots.

2. The applicant has requested a variance for a future two-lot subdivision on the subject property. The applicant is not proposing improvements to Crooked Pine Road.
3. The property is within the Three-Mile Rural Fire District.
4. The neighbors of five of the lots submitted a statement that they do not want Crooked Pine Road paved. The Subdivision Regulations would require the road to be paved. (Exhibit A-2)
5. David Ohnstad provided an e-mail comment dated March 09, 2007 (Exhibit A-1) that stated he did not support denial of the variance if the following conditions are met:
  - a. Grade and shape Crooked Pine Road to provide for appropriate drainage;
  - b. Provide for a four-inch layer of crushed aggregate surfacing placed on the roadway;
  - c. Pave the approach to SR203 (Highway 93) to meet any standards of the Montana Department of Transportation;
  - d. Apply dust abatement along Crooked Pine Road
6. To mitigate impacts on public health and safety, the applicant shall submit road plans and grading and drainage plans that meet the recommendations of the Ravalli County Road and Bridge Department in Finding 2 (surfacing and grading), pay for the County's consulting engineer to review the plans, and receive final approval of the plans prior to the final plat approval of the subdivision (Condition 1).
7. To mitigate impacts on public health and safety, the applicant shall pave the Crooked Pine Road approach off Highway 93 in accordance with MDT guidelines and provide evidence that MDT approves of the approach prior to final plat approval (Condition 2).
8. The Board of Health has concerns regarding dust generated on gravel roads throughout the County and how this may affect air quality and public health (Exhibits A-3 and A-4).
9. To mitigate any negative impacts on public health and general welfare, the applicant apply dust abatement to Crooked Pine Road prior to final plat approval (Condition 3).

Conclusions of Law:

1. With the mitigating conditions, granting the variance will not have negative impacts on public health and safety, general welfare, or adjoining properties.
2. The neighbors appear to support the granting of this variance.

**B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.**

Findings of Fact:

1. There are many properties in Ravalli County that are accessed by substandard, privately-maintained roads.
2. The applicant has submitted a petition signed by five of six adjoining land owners. In the petition they state their support of the requested variance to leave Crooked Pine Road 'as is'. (Exhibit A-2)

Conclusion of Law:

The conditions upon which the variance is requested appear to be unique.

**C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These**

**conditions shall not result from the past actions of the land's current or previous owner(s).**

Finding of Fact:

There are no physical conditions that would prohibit the subdivider from complying with the Regulations.

Conclusion of Law:

The variance request does not meet this criterion.

**D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.**

Findings of Fact:

1. Interim zoning regulations do not apply to this variance request. The property is not located within a voluntary zoning district.
2. Relevant countywide provisions in the Ravalli County Growth Policy are outlined below. Provisions of the Ravalli County Growth Policy are followed by an analysis (bulleted points) of the variance request against these provisions.

***Countywide Goal 3: Protect air quality***

***Countywide Policy 3.2: Minimize dust and other air pollution by appropriate subdivision regulation.***

- The subdivision regulations require paving of Crooked Pine Road.
- In addition to improving the road the Ravalli County Road Department has recommended the applicant apply dust abatement. (See Exhibit A-1)

***Countywide Goal 4: Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents.***

***Countywide Policy 4.1: Encourage development that will minimize or avoid additional costs to existing taxpayers.***

- The Road Department has recommended mitigation (Conditions 1, 2, and 3).

***Countywide Policy 4.5: Developers will be responsible for providing the infrastructure necessary within the development such as community water, sewage treatment and roads. A system of "nexus and proportionality" will govern external infrastructure costs attributable to the developer.***

- The applicant has requested a variance from the requirement that the road be reconstructed to meet the road design standards in the Ravalli County Subdivision Regulations.

Conclusions of Law:

Existing zoning regulations do not apply to this variance request.

**E. The variance will not cause a substantial increase in public costs.**

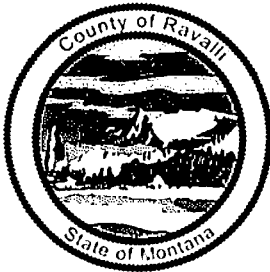
Findings of Fact:

1. Crooked Pine Road is a privately-maintained, substandard road.

2. The subdivision is projected to generate an additional eight trips on Crooked Pine Road.
3. The Road Department conditionally supports granting the variance request.

**Conclusion of Law:**

There is no specific, measurable increase in public costs as a result of this variance. However, the increased traffic on unpaved roads may contribute generally to conditions that increase public costs.



## REQUEST FOR COMMISSION ACTION

OG-07-05-558

Site Visit: May 7, 2007 @ 5:00 p.m.  
Meeting: May 31, 2007 @ 10:00 a.m.  
Request: To act on the Variance Request for a Future Vernon Ranchettes,  
Lot 4A, AP Subdivision Application

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### I. ACTION REQUESTED

This is a request from Andrew Chidwick for a variance from the Ravalli County Subdivision Regulation Section 5-4-5(e) which states "Where a subdivision is accessed by a substandard private road(s), the developer shall make all improvements that are necessary to bring that road(s) up to county road standards as defined in the County's adopted standards for new construction over its relevant length as listed in table A-1".

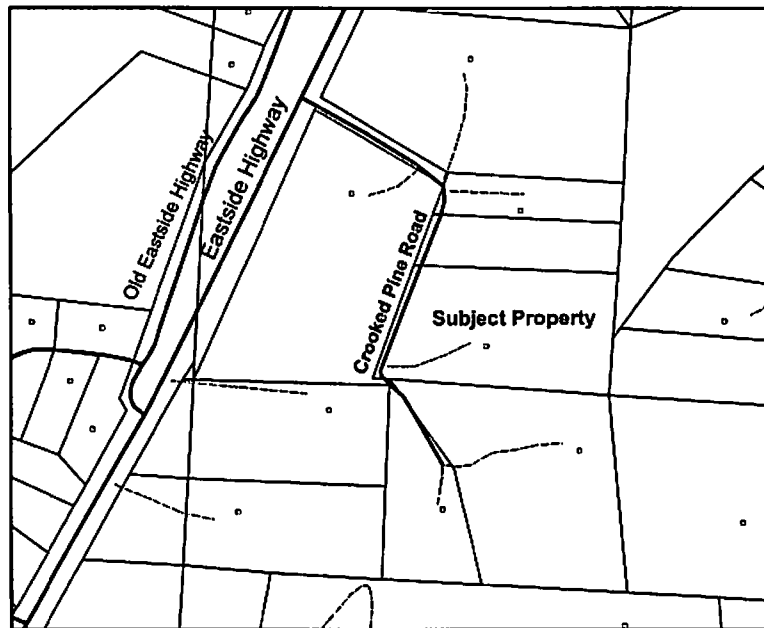
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### II. BACKGROUND

The future Vernon Ranchettes, Lot 4A, AP subdivision is proposed as a two-lot subdivision of 6.05 acres located southeast of Florence accessed from Eastside Highway and Crooked Pine Road. There is currently one residential structure on the property. Both lots are proposed for single family residential use. The applicant is proposing to leave Crooked Pine Road in 'as is' condition. Currently 6 residential units access off of Crooked Pine Road. The future proposed subdivision would add one additional residential user. The applicant has submitted a petition signed by five of six adjoining land owners. In the petition they state their support of the requested variance to leave Crooked Pine Road 'as

is'. David Ohnstad provided an e-mail comment that stated he did not support denial of the variance if the following conditions are met:

- a. Grade and shape Crooked Pine Road to provide for appropriate drainage;
- b. Provide for a four-inch layer of crushed aggregate surfacing placed on the roadway;
- c. Pave the approach to SR203 (Highway 93) to meet any standards of the Montana Department of Transportation;
- d. Apply dust abatement along Crooked Pine Road



### Map 1: Location Map

(Source Data: Ravalli County GIS Department)

*Staff recommends conditional approval of the subdivision proposal.*

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### III. PLANNING STAFF'S RECOMMENDATION

That the Variance Request for a Future Vernon Ranchettes, Lot 4A, AP Subdivision Application Minor Subdivision be ***conditionally approved***, based



on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

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#### **IV. PLANNING STAFF'S RECOMMENDED CONDITIONS**

4. The applicant shall submit road plans and grading and drainage plans for Crooked Pine Road to the Ravalli County Road and Bridge Department that include grading and shaping to provide for appropriate drainage, and a 4.00-inch surface layer of crushed aggregate. The applicant shall pay any costs for the review of the plans and shall receive final approval from the Road Department prior to the final plat approval of the subdivision.
5. The applicant shall pave the approach to Highway 93 in accordance with the guidelines of the Montana Department of Transportation (MDT) and provide evidence that MDT has approved of the paved approach prior to final plat approval.
6. The applicant shall apply dust abatement to the surface of Crooked Pine Road prior to the final plat approval of the subdivision.

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<b>REMAINING ISSUES:</b>	None
<b>FISCAL IMPACT:</b>	No extraordinary fiscal impacts noted.
<b>ATTACHMENTS:</b>	Staff Report with attachments
<b>STAFF:</b>	Vanessa Perry
<b>DATE:</b>	May 31, 2007

Commissioner Chilcott opened the meeting for public comment.

Property Owner Andrew Chidwick questioned providing sufficient evidence to meet the MDOT requirements. Vanessa replied that Mr. Chidwick will have to contact MDOT for the proper permits and their requirements of paving the intersection. Andrew stated the neighbors are in favor of this subdivision. He then questioned the 'relationship' between this county road and a private road. Commissioner Chilcott stated there is no 'relationship' with a private road. Commissioner Thompson stated the county guarantees citizens the right to clean air and clean water and they need to be aware of that when they approve a subdivision on a private road (i.e., dust abatement). Commissioner Chilcott requested any further public comment. Hearing none, Commissioner Chilcott closed public comment.

Board Deliberations then took place. Commissioner Thompson stated there was a request from the homeowners not to pave the road in order to keep the speed limit down. Commissioner Lyons expressed his concern for the water shed. Andrew indicated there was a concern of water shed and he hoped that issue was addressed with this subdivision.

Commissioner Thompson made the motion that the variance request from Section 5-4-5(e) of the Ravalli County Subdivision Regulations, which requires that the applicant improve Crooked Pine Road to meet County standards because it is a substandard private road, be conditionally approved, based on the findings of fact and conclusions of law in the staff report, and subject to the conditions in the staff report correcting the typographical error in condition no. 3 to require the applicant to apply dust abatement to the surface of Crooked Pine Road after the final plat approval of the subdivision. Commissioner Lyons seconded the motion and all voted "aye".

In other business the Board met to discuss and possibly award the Medical Services Proposal at the Detention Center. Lt. Cathy Powell indicated she reviewed the Spectrum Medical bid and if awarded, she is recommending a one-year contract. One of the important issues is the purchase of supplies and the place to store them. Lt. Powell relayed her concern of the Montana Statutes that require medical screening of all inmates within the first 14 days. A nurse from Marcus Daly Hospital comes to their facility in order to perform the TB tests.

In regard to the bid; Lt. Powell noted option 1 is strictly medical with a total guaranteed maximum of \$171,180 which includes mileage from Missoula. The dates of this contract would be from June 1<sup>st</sup> 2007 to June 30, 2008. She expressed her concern of having medical personnel present 8 hours a day, 5 days a week. Commissioner Chilcott asked if weekend coverage is another 8 hours a day. Lt. Powell indicated it was. She stated it is her recommendation to award Spectrum Medical Services this bid for medical services.

Sheriff Chris Hoffman was now present for this meeting. Sheriff Hoffman stated he would not expect the County Commissioners to approve the total bid for services and suggested a trial period of one year. Commissioner Chilcott stated it would save some money from having staff on hand. Sheriff Hoffman stated safety is his concern and with care closer to the facility, they expect to save time and money. Commissioner Chilcott asked what was spent in medical services last year. Lt. Powell replied \$85,000 with an additional \$10,000 for specialists. Their budget went over \$40,000 on drugs and their total overage was roughly \$95,000. Commissioner Lyons stated this medical service should reduce liability expenses. Commissioner Chilcott stated it appears they spent \$161,000 between drugs and doctors visits. The Sheriff's Administrative Assistant Wanda Lorea joined the meeting by speaker phone. Wanda replied they had spent a lot more than what was just stated... She indicated they have spent an extra \$100,000 to date which does not include the staff costs. Sheriff Hoffman stated they will know at the end of their first year with Spectrum Medical what their savings will be. Commissioner Chilcott questioned how many inmates are transported from the facility. Lt. Powell replied it depends on the jail population. Commissioner Chilcott asked about the number of inmates they transfer off-site. Sheriff Hoffman stated roughly about 50 to 75 inmates. Commissioner Chilcott stated that they should be seeing a 30% reduction in cost from last year's budget. Commissioner Thompson agrees with the Sheriff. He stated he is disappointed with the laws that require the County to provide medical services for the inmates and yet not to the general public. He further stated there are multiple issues they

can't control. He added he doesn't know what alternative they have and it's reasonable to say that they should try this medical service for one year and see the results.

Commissioner Chilcott suggested they start this contract July 1, 2007 through June 30, 2008; or if they chose option b, they could enter into a 13 month contract which they could roll over annually. He stated they should have a fiscal year contract. Sheriff Hoffman discussed the need for space for these services. Commissioner Chilcott suggested use of the old jail space. He also suggested the option to go with the local nurse at \$160,000. Commissioner Thompson moved to accept the recommendation from the Sheriff and Detention Supervisor for medical services with Spectrum Medical for \$160,000 for a one year period. Commissioner Lyons seconded the motion and all voted "aye".

The Board met to award the bid for the needs analysis for the 9-1-1 Center relocation. 9-1-1 Director Joanna Hamilton indicated they only received one set of qualifications from OZ Architects and it was her recommendation to accept those qualifications so they could move forward. Commissioner Thompson made a motion to accept the qualifications from OZ Architects for the needs analysis study. Commissioner Lyons seconded the motion and all voted "aye".

In other business, the Board met for a discussion and decision on issuing an RFP or RFQ (request for proposal or request for qualification) for professional services in order to assist with subdivision review. Commissioner Thompson made a motion to continue this meeting until June 5<sup>th</sup> at 9 a.m. Commissioner Chilcott seconded the motion and all voted "aye".

The Board met for a settlement conference on the Lords Et All litigation case with members of the Planning Department. Commissioner Chilcott invoked the right to a closed door meeting and as such the door was closed for litigation strategy.